



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

TAM NOTE 95-04

TRANSPORTATION ACQUISITION MANUAL NOTICE

DATE ISSUED: October 25, 1995

Transportation Acquisition Manual (TAM NOTE) 95-04 SUMMARY OF ITEMS

TAM NOTE 95-04 is issued under the authority of the Transportation Acquisition Manual (TAM) and unless otherwise specified, all material contained in this TAM NOTE is effective on the date issued. The TAM is hereby amended as specified below:

Item I--Changes to formal source selection threshold and minor editorial corrections

TAM Chapter 1215,, Appendix A, is modified to increase the threshold for formal source selection from \$5 million to \$50 million and to enable the Head of the Operating Administration (HOA) to delegate the source selection official responsibilities to no lower than flag officer/Senior Executive Service (SES) level. These changes are effective for all solicitations issued after May 1, 1995. In addition, the waiver provision for noncomplex, routine procurements was deleted because procurements of \$50 million or more are not considered routine as were those at the previous \$5 million threshold.

Replacement pages: 1215-9 & 1215-10,, 1215-13 thru 1215-16,, 1215-21 & 1215-22,, 1215-35 & 1215-36,, 1215-39 thru 1215-42.

Item II--Changes to protest procedures

TAM Chapter 1233 is changed to delete the requirement to:
(1) have the Assistant Secretary for Administration approve/concur in the determination authorizing award of a contract prior to the resolution of an agency protest and prior to resolution of a protest filed directly with the General

((2)) send a copy of the agency response to a GAO protest to the Senior Procurement Executive; and ((3)) have the Assistant Secretary for Administration (M-1) approve the notice prepared by the operating administration ((OA)) when, after GAO sustains a protest, the OA decides not to comply with the GAO recommendation(s). This function is delegated from M-1 to the Head of the Contracting Activity. Accordingly, TAM 1233.103 is deleted in its entirety, TAM 1233.104((a)) and ((c)) and 1233.105((c)) are changed to delete the last sentence, and TAM 1233.104((b)) and ((g)) is revised.

Replacement pages: TOC, 1233-1 & 1233-2.

Editorial Note: Included at the end of this TAM NOTE are corrected replacement pages for TAM NOTE 95-02..

TAM NOTE 95-04 FILING INSTRUCTIONS

Remove Page

1215-9 and 1215-10

1215-13 thru 1215-16

1215-21 and 1215-22

1215-35 and 1215-36

1215-39 thru 1215-42

TOC,, 1233-1 & 1233-2

Insert Page

1215-9 and 1215-10

1215-13 thru 1215-16

1215-21 and 1215-22

1215-35 and 1215-36

1215-39 thru 1215-42

TOC,, 1233-1 & 1233-2

A handwritten signature in black ink, appearing to read 'David J. Littman', with a long horizontal stroke extending to the right.

David J. Littman
Senior Procurement Executive

. (b) Appendix E provides elements which shall be considered when completing the Weighted Guidelines Profit/Fee Objective, Form DOT F 4220.32.

1215.905-2 Additional factors.

Factors with regard to non-profit organizations are contained in DOT's structured approach. Details are provided in Appendix E.

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1215.612 Formal source selection.

(a) General.

This subchapter establishes Department of Transportation (DOT) policy and procedures for soliciting and evaluating proposals and selecting sources for the award of high dollar, competitively negotiated contracts as prescribed by the Federal Acquisition Regulation (FAR) 48 CFR 15.612, "Formal Source Selection."

(1) Applicability. The provisions of this subchapter apply to competitively negotiated procurements when:

(i) the estimated price, including options, equals or exceeds \$50,000,000;

(ii) the estimated price, including options, of the total value of contracts to be awarded under a single solicitation equals or exceeds \$50,000,000;

(iii) the estimated price, including options, is less than \$50,000,000 but the selected source is likely to receive funding for a future phase(s) of the same program and the aggregate amount of such funding (including the current procurement) is estimated to equal or exceed \$50,000,000; or

(iv) the estimated price of the procurement, including options, is less than \$50,000,000 but the contracting officer (CO) determines, in conjunction with the appropriate program officials, that any or all of the procedures outlined in this subchapter are to be followed.

(2) Exceptions. The provisions of this subchapter do not apply to procurements:

(i) for architect-engineer services;

(ii) for supplies or services acquired through General Services Administration multiple award schedules for which other procedures are prescribed in the FAR or the Federal Information Resources Management Regulation (FIRM);

(iii) for grants and cooperative agreements;

(iv) from other Government (including State or local) agencies exclusive of procurements under the competitive 8(a) program;

(v) resulting from Broad Agency Announcements; and

(vi) which are specifically exempted by the Director, Office of Acquisition and Grant Management.

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(b) Policy and Procedures.

It is the goal of the Government to obtain the best value for any product and/or service being procured; this is especially true for complex, high dollar, negotiated procurements. It is essential to determine in an impartial, equitable, and sound manner the source(s) that will provide such value. To ensure sound selection decisions, this subchapter provides guidance and general and specific policies and procedures for formally conducting source evaluations and selections.

(1) Initiation of Formal Source Selection Procedures. An SSO is designated to determine which offeror(s) shall be awarded the contract. The acquisition strategy and the criteria to be used in evaluating offers are detailed in a Selection Plan (SP) which is developed and approved in the early stages of a procurement.

(2) SSO Authority. The SSO for all procurements subject to this subchapter (see TAM 1215.612(a)) is the Head of the Operating Administration (HOA) or designee, at a level no lower than flag officer/Senior Executive Service. Further redelegation is not authorized unless specifically approved by the Senior Procurement Executive.

(3) Establishment of the Source Evaluation Board. Once the SP has been approved, a board, known as a Source Evaluation Board (SEB), comprised of members from various disciplines (e.g., program, technical, legal, pricing, budget, and contracting personnel), is formally established. The SEB is responsible for thoroughly and fairly evaluating proposals in accordance with the criteria contained in the SP and the solicitation and reporting its findings to the SSO so that he/she can make the selection decision. SEB members are expected to apply sound judgment in determining appropriate variations and adaptations necessary in individual situations, provided that these do not constitute a departure from the basic concepts and intent of the selection plan and the solicitation.

(4) Oversight Boards. Operating Administrations may establish oversight boards comprised of senior management officials to assist the SSO. The establishment of these boards, their responsibilities and the procedures to be followed, shall be a matter of separate agreement between the Office of the Secretary and the Operating Administrations.

(5) Streamlining Techniques. Streamlining techniques, such as sending out draft specifications, statements of work, and RFPs to industry for comment, limiting the size of proposals and the number of people on SEBs and evaluation teams, sequestering evaluation team members, making award without discussions, providing periodic briefings to the SSO throughout the acquisition process, etc., are to be utilized whenever possible to ensure that procurements are awarded in an efficient and expeditious manner. Good planning and early document preparation are critical to reducing the time between release of the RFP and award of a contract.

(6) Documentation Requirements. All documents required by this subchapter (e.g., SP, Competitive Range Determination, Final SEB Report, etc.) must be compatible with relevant issues contained in other DOT documents required by the Transportation Acquisition Regulation (TAR), Transportation Acquisition Manual (TAM), or DOT Orders (e.g., Mission Need Statement, Acquisition Plan, Negotiation Memoranda, etc.).

(c) Responsibilities.

(1) Source Selection Official. The SSO is responsible for the proper and efficient conduct of the entire source selection process. The SSO has, subject to law and applicable regulations, full responsibility and authority to select the source(s) for award and approve the execution of the contract(s). The SSO's responsibilities include:

(i) reviewing and approving the SP in writing, including any subsequent change to the evaluation criteria or acquisition strategy;

(ii) ensuring that the SEB and any established oversight boards are properly constituted and include all the necessary disciplines;

(iii) approving, as part of the SP approval, utilization of non-Governmental personnel who shall serve as advisors during the source selection process;

(iv) obtaining required conflict of interest documentation from the SEB Chairperson and other established oversight boards' Chairpersons, providing that documentation to legal counsel for review, and ensuring that the documentation is safeguarded;

or other blood relatives who are residents of the employee's household. SSOs, SEB members, team members, or advisors who are participating in the procurement are subject to these conflict of interest requirements unless the interest has been determined in writing in accordance with 18 U.S.C. §208 and Subpart D of 5 CFR Part 2635 to be not so substantial as to be deemed likely to affect the integrity of their services.

(i) The following are examples of situations that may present actual or apparent conflicts of interest:

(A) personal or immediate family member who has financial interest, including stocks, bonds, or other types of securities, in a firm that proposes or is expected to propose as a prime contractor or be included as a subcontractor in response to the RFP, or interest in another firm in direct market place competition with such firm;

(B) personal or immediate family member who has outstanding financial commitments to a firm such as those described in paragraph (A) above;

(C) personal or immediate family member who is employed in any capacity, even if otherwise permissible, by a firm such as those described in paragraph (A) above;

(D) personal employment within the previous two years or participation in any non-vested pension plan or arrangement for re-employment by a firm such as those described in paragraph (A) above; and

(E) negotiations or an arrangement for future employment by a firm such as those described in paragraph (A) above.

(ii) Prior to submission of the SP, each nominated SEB member, team member, and advisor shall submit a written statement identifying all immediate family financial, business, and employment relationships, including, but not limited to, those of the types described in paragraph (i) above, to the nominated SEB Chairperson. The nominated SEB Chairperson and oversight board members shall submit to the cognizant Ethics Officer, his/her own as well as the other written statements. Standard Form (SF) 450, Confidential Disclosure Report, is to be used unless otherwise directed in writing by the SSO. The SSO shall also file the Confidential Statement of Employment and Financial Interests. The cognizant Ethics Officer will review each statement for actual or apparent conflicts of interest. If it is determined that an actual or apparent conflict of interest exists, the cognizant Ethics Officer will proceed in accordance with Subpart D of 5 CFR Part 2635. The SEB file must clearly document the action taken in all conflict of interest cases. The SF 450 shall be updated and resubmitted if an individual's financial business or employment relationship changes which could result in a conflict of interest.

(e) Overview of phases of evaluation and selection process.

There are eight potential phases in the source evaluation and selection process. They are RFP (and preparation of SPs), SEB Initiation, Proposal Evaluation, Determination of the Competitive Range, Written or Oral Discussions,

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Best and Final Offers (BAFOs), Award, and Offeror Debriefings. It is possible that these phases will overlap and one or more could be eliminated or repeated on certain acquisitions, but generally the eight phases will apply.

1215.612-70 Preparation of RFPs.

(a) Development of RFP.

(1) Preparation. The RFP shall be prepared in accordance with applicable regulations and procedures concurrently with the development and processing of the SP. The RFP shall be prepared by the CO with assistance from the Program Manager and should be coordinated with the anticipated SEB members. While a draft RFP, statement of work, or specification may be released to industry for comment or a presolicitation conference held by the CO, the final RFP must be reviewed and approved by the Director of Acquisition and Grant Management when the SSO is in the Office of the Secretary, or in accordance with Operating Administration or Departmental Office procedures for RFP approval (provided the approving official is at least one level above the CO) when the SSO is not in the Office of the Secretary.

(2) SEB Involvement in RFP Preparation. If the Program Manager or CO believes it would be more efficient, the proposed SEB may convene informally to assist in preparation of the RFP to ensure input from all appropriate sources and to simplify coordination. However, final decisions regarding the content and structure of the RFP (with the exception of Section M evaluation criteria) rests with the CO.

(3) Section M of RFP/SP. For Section M, final authority rests with the SSO in approval of the SP. Solicitations shall not be released until approval of the SP by the SSO has been obtained. If the RFP, as finalized, has Section M changes that are not substantively different than that approved as part of the SP, the changes need not be submitted to the SSO for approval.

(b) Preproposal conference.

(1) Decision. COs, in conjunction with input from the Program Manager, should consider holding a preproposal conference to brief prospective offerors after a solicitation has been issued but before proposals are received.

(2) Schedules for preproposal conference. The conference should be scheduled to permit prospective offerors sufficient time after the issuance of the RFP to become familiar with the solicitation requirements yet not too late to allow meaningful use of the information obtained at the conference.

(3) Agenda. The conference should include a presentation of the significant aspects of the procurement, followed by a question and answer

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are to be numbered and returned to the Chairperson after the briefing (the SSO and CO may retain their copies).

(2) Content and Format. The main thrust of the oral presentation is to focus upon issues and problems identified by the SEB's findings. This focus includes citing exceptions to the Government's requirements or conditions placed upon the offers and highlighting the reasonable alternative choices available to the SSO. The presentation will follow the same general format as the Executive Summary contained in the final SEB report, and include an explanation of:

- I **(i)** the nature of the supplies and/or services to be procured;
- (ii)** background information, including a brief chronology of the procurement;
- (iii)** evaluation criteria, relative importance, and measuring methodology;
- (iv)** summary of preliminary and final findings, including major strengths and weaknesses of the offers as compared to the evaluation criteria; and
- (v)** any items of special interest.

(c) SSO Decision.

The SSO shall select the contractor(s) for award and document the basis for decision. The approved selection decision will be transmitted to the SEB Chairperson. If requested, the Chairperson will prepare the decision documentation based on guidance from the SSO.

(d) Readiness of Contracts.

The CO shall insure that the contract(s) to be awarded is (are) ready for execution within three working days of the SSO's decision.

(e) "Lessons Learned."

If deemed necessary by either the SEB Chairperson, or the Senior Procurement Executive, a "lessons learned" debriefing or memorandum containing information, considerations, and suggestions which may be helpful in future source selection activities should be prepared by the SEB Chairperson and presented to the Senior Procurement Executive within 90 days after award. The "lessons learned" debriefing or memorandum shall be coordinated with all SEB members.

1215.612-77 Offeror Debriefings.

(a) Purpose.

The basic purpose of a debriefing is to furnish information that should permit the offeror to submit a better proposal in the future. Debriefings to the unsuccessful offeror(s) are often beneficial and in the best interest of the

Government. Therefore, debriefings are encouraged. All debriefings will be conducted by the CO, in conjunction with other SEB members.

(b) Procedures.

All requested debriefings will be with one offeror at a time, and will not be conducted until after contract award. Specific guidance regarding debriefings is found in the Federal Acquisition Regulation 15.1003.

~~1215.612-78~~ Documentation.

(a) RFP.

The RFP shall be prepared using the uniform contract format as required by (FAR) 48 CFR 15.406-1. The evaluation criteria included in Section M are to be identical to the criteria included in the SP. In addition, the following items shall be considered when preparing RFPs:

(1) Executive summary. Include an Executive Summary in Section L to briefly describe and highlight the salient aspects of the solicitation.

(2) Separate technical and cost proposal submissions. Make the cost proposal submission separate from and following the technical and management proposals.

(3) Page/copy limits. Limit the number of pages and the number of copies for offerors' proposals (ensuring the limitations are justifiable).

(4) Evaluation criteria matrix. Include a matrix which correlates the evaluation criteria (Section M of the RFP) with the information to be submitted in the proposal (Section L of the solicitation). Care should be taken to ensure Sections L and M are consistent with each other. The offerors should be required to prepare and submit their proposal in several sections. Offerors will be required to identify technical, cost, schedule, manufacturing or performance risks associated with their proposals, together with their approaches for resolving or avoiding the identified risks.

(5) Unrealistic cost proposal estimates. Include a notice stating that ~~unrealistically~~ low estimates, whether submitted initially or subsequently, and ~~regardless~~ of type of contract, may be grounds for ~~eliminating~~ a proposal from competition on the basis that the offeror does not ~~understand~~ the requirement.

(6) Award without discussions. Include a provision in the solicitation informing offerors of the possibility that award may be made without discussions.

(7) Oral presentations. Notify offerors if they are required to make an oral presentation to the SEB and/or evaluation teams on their proposal. The RFP should make clear that only information in the proposals should be presented, and if different information is presented, the proposal will govern.

(8) Non-Governmental personnel. Non-Governmental personnel may participate as advisors in the source selection process. These advisors shall be identified

(iii) summarize what the **SEB** considers significant discriminators among proposals; also, list the strengths and weaknesses (including deficiencies and risks) in offerors' proposals and proposed items for discussion in accordance with the evaluation criteria;

(iv) provide a recommendation to the CO on each proposal as to whether the offeror should be included in the competitive range;

(d) Final **SEB** report to the **SSO**.

Upon completion of evaluations, and discussions if required, a report shall be prepared by the **SEB** containing information which will enable the **SSO** to make a source(s) selection decision. Each **SEB** member shall have a minimum of three working days to review the report prior to the **SEB** meeting to discuss it. The objective of the report is to present an evaluation of each proposal in the competitive range against solicitation requirements based on established evaluation criteria. The report shall include, as attachments, all key documents pertaining to the procurement (including, at the least, the **SP**, Competitive Range Determination, negotiation memoranda, and evaluation team reports). Repetition of the content of attached documents in the final **SEB** report is not intended or required. The attached documents shall form the basis of the final **SEB** report and should be referenced rather than repeated. The report itself shall contain, as a minimum:

(1) Executive summary. An Executive Summary, which includes:

(i) the nature of the supplies and/or services to be procured;

(ii) background information, including a brief chronology of the procurement;

(iii) overview of evaluation criteria, weights, and measuring methodology;

(iv) summary of preliminary and final findings, including major strengths and weaknesses of the offerors as compared by offeror to the evaluation criteria; and

(v) any items of special interest.

(2) Introduction. Information included in this section consists of the following:

(i) authority for the source selection action;

(ii) data pertaining to the **SP**, its approval, etc.;

(iii) basis for award and evaluation criteria (i.e., Section **M**);

(iv) composition of the **SEB** identified by functional specialties and by organization;

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(v) discussion of the requirements set forth in the solicitation, including salient points and the number of sources to whom the solicitation was provided; and

(vi) identification of the offerors and major subcontractors who responded and those in the competitive range.

(3) Description of proposals. This section contains a brief summary description of the proposals submitted by each offeror within the competitive range. No judgments or comparisons as to the quality, rating, or ranking of proposals will appear in this section.

(4) Analysis of proposals. This section contains an analysis of the proposals within the competitive range by identifying strengths, weaknesses, and deficiencies (by evaluation criteria other than cost). For each area, a list of the items evaluated should be discussed, first individually and then comparatively with respect to the proposal as a whole. The major strengths, weaknesses, and deficiencies should be included for each proposal. If a strength, weakness, or deficiency appears in one proposal and is noteworthy, an analysis of the same area in all proposals should be included. A matrix comparing the significant discriminators is to be included to aid the SSO in making the selection decision. The analysis will include a summary of the evaluation of:

(i) technical and managerial approach contained in the offeror's proposal;

(ii) schedule and risk considerations as assessed against the technical approach and the prevailing economic environment (for example, material shortages);

(iii) production aspects relating to make-or-buy decisions, anticipated new manufacturing technologies, availability of production facilities, and overall production competence; and

(iv) design tradeoffs proposed by the offerors and their potential impact on the project.

To the extent that the details of this information are clearly presented and summarized in the evaluation team reports, repetition of the detailed information in this section of the Final SEB report is not necessary.

This section would contain a summary of the results of the evaluation and reference the applicable pages/paragraphs of the evaluation team reports.

(5) Cost. The reasonableness, realism, and completeness of each offeror's cost proposal should be fully explained. This section normally includes data pertaining to cost or price analysis, the independent Government estimate, total costs to the Government, most probable cost, impact of technical uncertainty on cost or price, life cycle cost, and other appropriate cost considerations. Discuss the impact of all significant cost aspects associated with each proposal within the competitive range, including the confidence that can be placed in the

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cost or price estimate provided by each offeror taking into account technical, contractual risks and schedule considerations.

To the extent that the details of this information are clearly presented and summarized in the evaluation team reports, repetition of the detailed information in this section of the Final **SEB** report is not necessary. This section would contain a summary of the results of the evaluation and reference the applicable pages/paragraphs of the evaluation team reports.

(6) Overall assessment of past performance. Provide an integrated analysis of the offeror's past performance history on contractual efforts that is relevant to the evaluation criteria for the proposal being reviewed.

(7) Contractual considerations. Discuss significant contractual arrangements with each offeror in the competitive range and any significant differences between offerors. List any exceptions taken by offerors to the Government's stated requirements.

(8) SEB findings. Provide a comparative analysis, expressed in brief statements, of the issues considered by the **SEB** to be significant to the decision. If requested by the **SSO**, a recommendation will be included.

(9) Signature page. Provide a final page bearing the signature of the Chairperson(s) and members of the **SEB**.

(e) Lessons Learned Memorandum.

There is no prescribed format for this, but it should be concise, and, if necessary, make recommendations for future policy changes. A copy should be forwarded to **M-60** for possible policy changes in the TAM. The operating administrations shall determine who prepares this memorandum.

1215.612-79 Waivers.

Requests for a waiver from the requirements of this subchapter or portions thereof, shall be submitted to the Director, Office of Acquisition and Grant Management for approval. The request for a waiver shall contain sufficient detail to clearly explain the basis for the request.

PRENEGOTIATION MEMORANDUM (PM)
 (For acquisitions over **\$100,000**)

I. INTRODUCTION. Provide a brief description of the supply or service being acquired. Include the procurement request number, the name of the contracting office processing the request, the solicitation number, and, if applicable, the modification and contract number.

II. COMPLIANCES. Address FAR compliance requirements completed before negotiations using the compliance listing found in Attachment 1. When prenegotiation compliance requirements are completed, this section shall constitute Section II of the PM, and a copy made and transferred to the PNM for completion of compliances made after negotiations. This will result in the PNM containing a record of all compliances made for the acquisition.

III. CONTRACT TYPE. Discuss the contract type anticipated to be used and justify why it was selected. Discuss technical, schedule and cost risk involved in the contract type selected.

IV. SUMMARY OF KEY DOCUMENTS. Identify the title and number (if applicable) and date of each key document. Include, as applicable, the following: (Each of the relevant documents shall be included in the contract file.)

- A. Prospective contractor's proposal.
- B. Audit report.
- C. Technical advisory report.
- D. Pre-award survey.
- E. Other.

V. EVALUATION OF OFFER(S).

A. **PRICE ANALYSIS.** When price analysis is used to determine the prenegotiation objective, use the format with the headings and appropriate subheadings below.

1. **BASIS FOR PRICE ANALYSIS.** Address the elements under the applicable subheading(s) below:

- a. *Adequate Price Competition.*

(1) Explain how adequate price competition was determined. As a minimum, discuss: The number of offers received; for the responsive and responsible offers received, list the offerors' names and offered prices; and if the offerors competed independently for the award.

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CHAPTER 1233

PROTESTS, DISPUTES, AND APPEALS

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- 1233.212 Contracting officer's duties upon appeal.
- 1233.213 Obligation to continue performance.

APPENDICES

- Appendix A D&F format for nonsuspension of DOT procurement authority by ~~GSBCA~~

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CHAPTER 1233

PROTESTS, DISPUTES, AND APPEALS

SUBCHAPTER 1233.1b PROTESTS

1233.104 Protests to GAO.

(a) *General procedures.* The HCA has the responsibility to prepare and provide to the General Accounting Office (GAO) the agency report with the information required by (FAR) 48 CFR 33.104(a). The agency report shall be coordinated with legal counsel before the report is signed and sent to GAO.

(b) *Protests before award.* The authority of the HCA under (FAR) 48 CFR 33.104(b) is nondelegable. The HCA has the responsibility to prepare and provide to GAO the written finding with the information required by (FAR) 48 CFR 33.104(b)(1). The written finding shall be coordinated with legal counsel before the HCA affirms its approval by signing the written finding and sending it to GAO. A copy of the signed written finding and the signed written notice to GAO shall be provided to the SPE within 2 working days after they are sent to GAO. In addition, the applicable Congressional and public affairs offices shall be informed of this action in accordance with OA policies and procedures.

(c) *Protests after award.* The authority of the HCA under (FAR) 48 CFR 33.104(c) is nondelegable. The HCA has the responsibility to prepare and provide to GAO the written finding with the information required by (FAR) 48 CFR 33.104(c)(2). The written finding shall be coordinated with legal counsel before the notice is signed by the HCA and sent to GAO.

(g) *Notice to GAO.* The authority of the head of the agency under (FAR) 48 CFR 33.104(g) is delegated to the HCA. The written notice shall be coordinated with legal counsel before the notice is signed by the HCA and sent to GAO. A copy of all notices to GAO submitted in accordance with (FAR) 48 CFR 33.104(g) shall be provided to the SPE within 2 working days after they are sent to GAO.

1233.105 Protests to GSBICA.

(c) The HCA has the responsibility to prepare and provide to the GSBICA the protest file required by (FAR) 48 CFR 33.105(b) and the agency answer required by (FAR) 48 CFR 33.105(c). The protest file and the agency answer shall be coordinated with legal counsel before being sent to the GSBICA.

(d)(2) The authority of the agency head under (FAR) 48 CFR 33.105(d)(2) is delegated to the HCA. The format to be followed for the requisite D&F is contained in Appendix A.

SUBCHAPTER ~~1233.2-6~~ **DISPUTES** AND APPEALS

1233.203 Applicability.

(b) The authority of the agency head under (FAR) ~~48 CFR 33.203(b)~~ is delegated to the HCA.

1233.212 Contracting officer's duties upon appeal.

Upon receipt of notice of appeal by a contractor, the contracting officer will notify ~~OA~~ legal counsel, who will appoint an attorney to represent the Government before the DOT BCA (S-20). The DOT BCA procedures are contained in ~~48 CFR Chapter 63~~.

1233.213 Obligation to continue performance.

The contracting officer shall use the clause at (FAR) ~~48 CFR 52.233-1~~, Disputes, with its Alternate I, where continued performance is vital to national security, the public health and welfare, critical/major agency programs, or other essential supplies or services whose timely ~~reprocurement~~ procurement from other sources would be impractical.



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

TRANSPORTATION ACQUISITION MANUAL NOTICE

CORRECTION

To correct FAC 95 02 looseleaf, please substitute the following pages:

TAM NOTE 95-02

Remove

Replace

1213-67 thru 1213-68
(including 1213-67.1 and 1213-67.2)

~~1213-67~~ thru 1213-68

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**ROCKY MOUNTAIN BANKCARD SYSTEM+
I.M.P.A.C.* PROGRAM
CARDHOLDER STATEMENT OF QUESTIONED ITEM**
(Please print or type in black ink)

| | | | |
|--|--|----------------|---------------|
| CARDHOLDER NAME (please print or type) | | ACCOUNT NUMBER | |
| CARDHOLDER SIGNATURE | | DATE | TELEPHONE NO. |

The transaction in question is described below:

| Transaction Date | Reference # | Merchant Name | Amount | statement Date |
|--|-------------|---------------|--------|----------------|
| <p>Please read carefully each of the following situations and check the one most appropriate to your particular dispute. If you have any questions, please contact us at 800/227-6736. We will be more than happy to advise you in this matter.</p> <p>If the statements below are not applicable, please send a letter of explanation regarding your dispute. Please, list all pertinent information and include your account number and signature.</p> <p>I. CARDHOLDER DISPUTE (Cannot be used until resolution is attempted with the merchant)</p> <p><> I did participate in the above transaction; however, I dispute the entire charge, or a portion, in the amount of \$_____ because (please be specific) _____</p> <p>NOTE: Provide completed description of problem, attempted resolution, and outstanding issues. Use a separate sheet of paper, if necessary, and sign your description statement.)</p> <p>II. UNAUTHORIZED MAIL OR PHONE ORDER</p> <p><> I have not authorized this charge to my account. I have not ordered merchandise by phone or mail, nor received any goods or services.</p> <p>III. DUPLICATE PROCESSING</p> <p><> This transaction listed above represents multiple billing to my account. I only authorize one charge from this merchant for this amount. My card was in my possession at all times.</p> <p>IV. MERCHANDISE OR SERVICE NOT RECEIVED</p> <p><> My account has been charged for this above listed transaction, but I have not received the merchandise or service. I have contacted the merchant but the matter was not resolved. (Please provide a separate statement detailing the merchant contact, and the expected date to receive merchandise.)</p> <p><> My account has been charged for this above listed transaction. I have contacted this merchant on _____ (date) and cancelled the order. I will refuse delivery should the merchandise be delivered.</p> <p>V. MERCHANDISE RETURNED</p> <p><> My account has been charged for the above listed transaction, but the merchandise has since been returned for the following reason: _____</p> <p>Enclosed is a copy of my postpaid UPS receipt.</p> <p>VI. CREDIT NOT RECEIVED</p> <p><> I have received a credit voucher for the above listed charge, but it has not yet appeared on my account. A copy of the credit voucher is enclosed. (Please provide a copy of this voucher with this correspondence.)</p> <p>VII. ALTERATION OF AMOUNT</p> <p><> The amount of this charge has been altered since the time of purchase. Enclosed is a copy of my sales draft showing the amount for which I signed.</p> <p>VIII. INADEQUATE DESCRIPTION/UNRECOGNIZED CHARGE</p> <p><> I do not recognize this charge. Please supply a copy of the sales draft my review. I understand that when a valid copy is sent to me, a statement of questioned item must be provided to include the copy of the sales draft if a further dispute exists. If a copy cannot be obtained, a credit will appear in my account.</p> <p>IX. COPY REQUEST</p> <p><> I recognize this charge, but need a copy of the sales draft for my records.</p> <p>X. SERVICES NOT RECEIVED</p> <p><> I have been billed for this transaction, however, the merchant was unable to provide the services for the following reason(s): _____</p> <p><> paid for by another means. My card number was used to secure this purchase, however final payment was made by check, cash, another credit card, or purchase order. (Enclosed is my receipt, cancelled check (front & back), copy of credit card statement, or applicable documentation.)</p> <p>XI. NOT AS DESCRIBED</p> <p><> (Cardholder must specify what goods, services, or other things of value were received.) The item(s) specified do not conform to what was agreed upon with the merchant. (The cardholder must have attempted to return the merchandise and state so in his/her complaint.)</p> | | | | |

MAIL TO: L.M.P.A.C. Customer Service, P.O. Box 173309, Denver, CO 80217-9566

V79-077-R0691

BENEFITS TO YOUR COMPANY FOR ACCEPTING THE I.M.P.A.C. VISA CARD

TODAY, **ROCKY MOUNTAIN BANKCARD SYSTEM, INC. (RMBCS)** RANKS AS ONE OF THE LARGEST CARD PROCESSING COMPANIES IN THE UNITED STATES. SINCE **RMBCS** HAS BEEN RECOGNIZED AS A LEADING PROVIDER OF CARD SERVICE WITH MORE THAN 2-1/2 MILLION CARDHOLDERS USING VISA AND **MASTERCARD CREDIT** AND DEBIT CARDS, AS WELL AS CARDS FOR PROPRIETARY, PRIVATE LABEL AND AFFINITY GROUPS.

MORE THAN 500 FINANCIAL INSTITUTIONS AND 60,000 MERCHANTS RELY ON **RMBCS** TO PROCESS 80 MILLION VISA AT MASTERCARD TRANSACTIONS ANNUALLY.

I.M.P.A.C.

The U.S. Government can now pay vendors with a VISA card for purchases up to \$25,000

GSA Contract Number
GS 005406010

- Receive payment in days, versus months, for all goods or services purchases.
- Increase sales because government employees are encouraged to make purchases from your company instead of your competitors.
- Reduce paperwork associated with purchases because SF-44 forms and imprest funds are no longer required,

What is required?

John more than 8 million merchant locations worldwide who accept VISA.

Contact your bank or **Rocky Mountain BankCard System** to establish a merchant relationship. If you already have a VISA merchant account, follow the same procedures as any other VISA sale.

RMBCS
Rocky Mountain BankCard System

ELECTRONIC DRAFT CAPTURE (EDC)

Thousands of companies have switched to this advanced method of credit card processing to streamline operations. Whether you are a small or large company, **Rocky Mountain BankCard System** has a solution to fit your needs that will be easy to use.

- Deposits are made directly to your local bank within two business days.
- Transactions can be processed via terminal, personal computer or electronic cash register.
- Time consuming phone authorizations and warning bulletins are eliminated.

Establishing a relationship to accept the **I.M.P.A.C.** card is a simple process.

You can use a PC and modem or purchase an inexpensive terminal to process transactions. A **RMBCS** merchant representative can help you determine the method of processing that meets your needs.

Operation:

The operation is simple and easy to learn. When you accept a credit card as payment, you simply swipe the card through the magnetic stripe reader on the terminal or key in the **I.M.P.A.C.** card number. The terminal prompts you to enter the dollar amount of the sale before it dials out for authorization and capture. The authorization number is then recorded on the sales draft.

Reporting:

Rocky Mountain BankCard System provides a Merchant Monthly Activity Statement recapping all account activity for the month.

The discount rate is calculated on net sales for the month. The charge is automatically debited from your bank account between the second and tenth business day of the following month.

Should you be a merchant with multiple locations, etc., additional reporting of each stores activity is available to a main office or corporate headquarters.

Customer Service:

Customer service representatives will be available to answer any questions and to provide you with any information. Additionally, the **RMBCS** "Help Desk" is available 24 hours a day, 7 day a week. Service levels are monitored and controlled to guarantee that your company receives prompt and responsible service.

If you would like additional information regarding Electronic Draft Capture, please contact our Electronic Draft Capture Marketing Department at 1-800-525-3717, ext. 2526.

Rocky Mountain BankCard System, Inc., P.O. Box 5952, Denver, CO 80217, (303) 629-7755

DEPARTMENT OF TRANSPORTATION PROCEDURES
FOR ACQUIRING TRAINING SERVICES

I. GENERAL.

Department of Transportation (DOT) policies and procedures for acquiring training services by other than warranted contracting personnel are set forth herein.

II. DEFINITIONS.

A "Chief of the Contracting Office ((COCO))" means the individual responsible for managing the contracting office(s) within an Operating Administration ((OA)). The COCO is the official granting a delegation of procurement authority ((DPA)) under these procedures.

B "Commercially-available/off-the-shelf," means existing training that is regularly offered to the general public and/or Government personnel in the course of normal business operations. The term includes training offered by a college, university, professional association, group, or organization. The term does not include training not previously available in the commercial marketplace but is specifically developed, designed, or produced to meet a particular DOT requirement.

C "Delegation of Procurement Authority ((DPA))" means the authorizing document, approved and signed by the cognizant COCO granting specific procurement authority to an individual Government employee. If required by the organizational structure of the OA, the COCO shall obtain the approval of the Head of the Contracting Activity prior to granting DPAs under these procedures.

D "Established catalog or market price" means a catalog, price list, schedule or other verifiable and established record that: (1) is published or otherwise available for customer inspection, (2) states the current or last sales price to the public or private sector (3) is established in the course of ordinary and usual trade between buyers and sellers, and (4) can be substantiated by data from sources independent of the vendor.

E. "Fixed amount" means the cost of the training is of a firm amount (e.g., price per student, event, session, class program, course, seminar, or other instructional service).

F "Head of the Contracting Activity ((HCA))" means the individual responsible for managing the contracting offices within an OA who is a member of the Senior Executive Service or a flag officer.

G "Small purchase procedure" means the acquisition of training services by the methods prescribed in Federal Acquisition Regulation (FAR) Part 13, and as implemented by the Transportation Acquisition Regulation (TAR) and the Transportation Acquisition Manual (TAM).